

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH MOORE :
: CIVIL ACTION
v. :
: NO. 20-5920
LOWER FREDERICK TOWNSHIP, :
ET AL. :
:

O R D E R

AND NOW, on this 4th day of March 2022, upon consideration of Defendants' Motion to Dismiss (ECF No. 8), Plaintiff's response thereto (ECF No. 10), and all other documents submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part as follows:

1. As to Count I. the Motion is **GRANTED** in part and **DENIED** in part as follows:
 - a. The Section 1981 claim is **DISMISSED** *without prejudice* against the Township. However, the Section 1981 claims against Chief Maxey in his individual capacity remain.
 - b. The Section 1983 claim against the Township is **DISMISSED** *without prejudice*.
2. The Motion is **GRANTED** as to Count II (First Amendment Retaliation). It is **DISMISSED** against Chief Maxey in his individual capacity *without prejudice*.
3. The Motion is **DENIED** as to Count III (Pennsylvania Whistleblower Law).
4. As to Count IV (defamation), the Motion is **GRANTED** as follows:
 - a. The Section 1983 defamation claim is **DISMISSED** *without prejudice* as to Chief Maxey and the Township.

- b. The Pennsylvania state law defamation claim is **DISMISSED with prejudice** as to the Township only. It is **DISMISSED without prejudice** as to Chief Maxey.
5. The Motion is **DENIED** as to Count V (Title VII).
6. Plaintiff's request for punitive damages is **DISMISSED** against the Township, but remains against Chief Maxey in his individual capacity.

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURREICK, J.